

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

YVONNE F. WILSON, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:04-cv-01147

CONSOLIDATION COAL COMPANY, et al.,

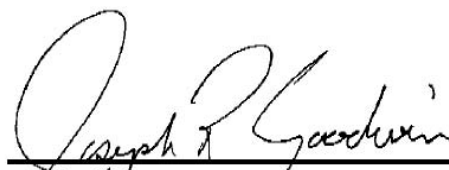
Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is the defendant's motion for summary judgment. The defendant claims that it should be entitled to summary judgment because the facts do not support a claim for intentional infliction of emotional distress or negligent infliction of emotional distress. The court agrees. The court **FINDS** that no genuine issue of material fact exists that would allow the plaintiffs to recover under a theory of intentional infliction of emotional distress or negligent infliction of emotional distress. Accordingly, the court **GRANTS** the defendant's motion for summary judgment and **DISMISSES** the case.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 13, 2006

A handwritten signature in black ink, appearing to read "Joseph R. Goodwin", is written over a horizontal line.

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE